

## **REMARKS**

An Office Action was mailed on October 27, 2004. Claims 16 - 36 are currently pending in the application. Applicant amends claims 19, 22 – 29, 33 and 36. No new matter is introduced.

### **OBJECTION TO DRAWING**

The drawing is objected to for failing to show the features of claims 22, 29 and 35. Claim 36 recites the same limitations as claims 22 and 29, and claim 35 recites the same limitations as claims 21 and 28. Applicant presumes that the objection is meant to be directed to claims 22, 29 and 36, and amends claims 22, 29 and 36 to recite that, in a decision mode, “if the variable magnitude reaches a highest value that is greater than a stipulated value, then one of a positive response and a negative response is recognized, and if the variable magnitude reaches a highest value that is less than a stipulated value, then the other one of the negative response and the positive response is recognized”. Applicant submits that amended claims 22, 29 and 36 are consistent with Applicant’s FIG. 3 and the accompanying description at page 6, line 4 through page 9, line 3 of Applicant’s specification. Accordingly, Applicant respectfully requests that the objection be withdrawn.

### **REJECTION UNDER 35 U.S.C. § 101**

Claims 23 – 29 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter “A recording medium having stored thereon ...”. Applicant thanks the Examiner for suggesting an amendment to claims 23 – 29 for overcoming this rejection, and amends claims 23 – 29 accordingly. Applicant therefore respectfully requests that the rejection be withdrawn.

### REJECTION UNDER 35 U.S.C. § 112

Claims 19, 26 and 33 are rejected under the second paragraph of 35 U.S.C. § 112 as being indefinite. Specifically, the Examiner finds a lack of sufficient antecedent basis for the term “said scenes”. Applicant amends claims 19, 26 and 33 to replace this term with the term “said scene”, which is introduced in claims 16, 23 and 30. Claims 19, 26 and 33 respectively depend from claims 16, 23 and 30. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

### REJECTION UNDER 35 U.S.C. § 103

Claims 16 – 21, 23 – 28 and 30 - 35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,072,467 to Walker in view of Japanese Patent Publication No. 5-87760 to Furukawa. Claims 22, 29 and 36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker in view of Furukawa and U.S. Patent No. 5,393,073 to Best. Applicant respectfully traverses these rejections.

In independent claims 16, 23 and 30, Applicant discloses a method, apparatus and computer-readable medium for executing a computer game by means of a controller with pressure-sensitive means. In claim 16, for example, Applicant discloses:

**16.** A method of executing a game program by using a computer that has a controller which has pressure-sensitive means for sensing a variable pushing pressure of a player on the controller, the method comprising the steps of:

generating a pressure-sensing output signal from said pressure-sensitive means, said pressure-sensing output signal having a variable magnitude dependent on said variable pushing pressure;

examining the pattern in changes of the variable magnitude depending on said variable pushing pressure;

retrieving a table to determine processing to be executed depending on both the pattern of changes in the pressure-sensing value of a pushing pressure of a player on the controller and a scene of the game program that is performed when the controller is operated; and

performing said processing to be executed.

Walker discloses an accelerometer-based computer control device for controlling on-screen animated characters (see, e.g., abstract of Walker). The style or emotional content of a character's movement is determined from gross accelerometer movements without pattern matching (see, e.g., FIG. 9 and column 11, lines 5 – 21 of Walker). The Examiner acknowledges that Walker fails to disclose Applicant's claimed step of generating a pressure-sensing output signal from said pressure-sensitive means, and suggests that this step is disclosed by Furukawa.

Applicant respectfully submits that Walker and Furukawa fail to disclose or suggest Applicant's claimed retrieving step, wherein a table is retrieved that indicates a game processing feature to be executed (i.e., character emotion to be determined) both as a function of a pattern of changes in the pushing pressure of the pressure sensitive device (equated by the Examiner to the accelerometer patterns) and characteristics of the scene of the game that is being currently performed. In sharp contrast to Applicant's claimed invention, as suggested by FIG. 9 of Walker, Walker's method provides for determining a character emotion solely on the basis of accelerometer movements, and not in addition based on the current scene of the game. Accordingly, Applicant respectfully submits that independent claims 16, 23 and 30 are not made obvious by Walker, and therefore stand in condition for allowance.

As claims 17 – 22, 24 – 29 and 31 – 36 respectively depend from allowable claims 16, 23 and 30, Applicant submits that claims 17 – 22, 24 – 29 and 31 – 36 are allowable for at least this reason. Applicant also submits that claims 17, 22, 24, 29, 31 and 36 are allowable on alternative grounds.

In claims 17, 24 and 31, Applicant claims the method, computer readable medium and apparatus of claims 16, 23 and 30, further providing that the claimed pattern in changes of the variable magnitude is processed to set a degree of emotion or volition of the player. While

Walker in FIG. 9 teaches selecting different emotions based on characteristic parameters produced by the accelerometer movements, Walker fails in addition to disclose or suggest that a degree of emotion for a selected emotion be set on the basis of the accelerometer movements. Accordingly, Applicant submits that claims 17, 24 and 31 are not made obvious by Walker, and are therefore allowable.

In claims 22, 29 and 36, Applicant claims the method, computer readable medium and apparatus of claims 16, 23 and 30, further providing that in the case where a current scene determines that the player or character controlled by the player is requested to make a decision, that the nature of the decision response (i.e., positive or negative) is determined on the basis of a maximum value of the variable magnitude of the response. The Examiner acknowledges that Walker in view of Furukawa fails to disclose a scene determining that the player or character controlled by the player is requested to make a decision, and cites Best for this purpose.

Best discloses a video game that simulates a dialog between two or more characters by scene branching and/or character branching (see, e.g., column 3, lines 18 – 26 and column 4, lines 1 – 29 of Best). Although the branching is controlled by a player, is associated with a game scene and arguably provides a game-affecting decision, unlike Applicant's claimed invention, Walker and Furukawa in view of Best still fail to disclose or suggest a decision making mode in which a maximum value of the variable magnitude of the controller output signal results determines the selection of either a positive response or a negative response. In other words, unlike Applicant's claimed invention, the cited references fail to disclose or suggest a game procedure in which a decision making is set up and organized on the basis of positive and negative responses, and the elected response is determined by an output pattern generated by a

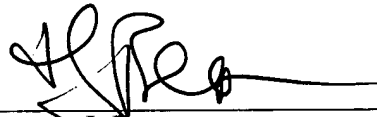
variable output controller. Accordingly, Applicant submits that claims 22, 29 and 36 are not made obvious by Walker in view of Furukawa and Best, and are therefore allowable.

### CONCLUSION

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 16 – 36, consisting of independent claims 16, 23 and 30, and the claims dependent therefrom, is in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, he is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,

  
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